

# **A Guide to Obtaining a Building Consent on the Kāpiti Coast**

**June 2021**

**Regulation 7 (2)(a)(i)(ii)**

# Contents

Page

1	What is a building consent?.....	4
2	About the Building Act 2004 .....	4
3	Why go through the building consent process? .....	5
4	When is a building consent required?.....	5
4.1	Examples of work that does require a building consent: .....	6
4.2	Examples of work that does not require a building consent: .....	6
5	What is a PIM?.....	6
5.1	What does a PIM identify?.....	7
5.2	What are the advantages in obtaining a PIM early?.....	7
5.3	What if I don't want to apply separately for a PIM? .....	7
5.4	How do I apply for a PIM? .....	7
6	How do I obtain a building consent?.....	8
6.1	Applying for a building consent.....	8
6.2	Additional requirements for multi-unit residential buildings, commercial or communal buildings, or buildings with premises that are intended for public use .....	9
6.3	Documents to support your application.....	13
7	Applications for building work on land subject, or likely to be subject, to a natural hazard - Section 72 of the Building Act 2004.....	14
7.1	What are natural hazards as they relate to a building consent?.....	14
7.2	What does the Council consider when a building consent application is submitted?.....	14
7.3	How do I know if my property is in a hazard area and could be subject to section 72 of the Building Act 2004?.....	14
7.4	What sort of work will trigger a section 72 notation on the Record of Title?..	14
7.5	What are the implications of having a section 72 notation on the Record of Title? .....	15
7.6	How does section 72 of the Building Act 2004 compare with previous building legislation? .....	15
7.7	How do I know whether there is already a hazard-related notation on the Record of Title? .....	15
8	Restricted Building Work and Licensed Building Practitioners.....	16
8.1	What should I know before engaging an LBP? .....	17
9	Plans and specifications.....	18
9.1	Paper to use .....	18
9.2	Colour.....	18
9.3	Dimensioning.....	18
9.4	Number of copies .....	18
9.5	Information to be shown on the plans .....	19
	Site Plan: (recommended scale 1:200).....	20
	Foundation/Concrete Floor Plan (recommended scale 1:100).....	20
	Subfloor Plan (recommended scale 1:00).....	21
	Floor Framing Plan (recommended scale 1:100).....	21
	Floor Plans (recommended scale 1:50 or 1:100).....	21
	Roof Framing Plan (recommended scale 1:50 or 1:100).....	22
	Exterior Elevations:.....	22
	Cross Sections (recommended scale 1:50): .....	23
	Construction Details .....	24
	Engineering Information.....	25
	Specifications: .....	25
9.6	Processing your consent .....	25
10	MultiProof consents.....	29

11	Producer Statements.....	30
11.1	Acceptance of Producer Statements.....	30
12	Other approvals that may be required .....	31
12.1	Resource Consent.....	31
	a. Land Use Consent .....	32
	b. Subdivision.....	33
	c. Consents required under National Environmental Standards (NES).....	33
	d. Development Contributions .....	34
12.2	Vehicle crossings.....	34
12.3	Building over or near Council drains .....	35
13	The water demand management and hydraulic neutrality provisions of the District Plan.....	36
14	Building consent fees and charges.....	38
14.1	Fees and charges.....	38
14.2	How can I pay for my building consent .....	38
14.3	Additional charges .....	38
14.4	Refunds.....	39

# 1 What is a building consent?

If you're planning a construction activity, or an activity that affects the environment, you may need to apply for a building consent, resource consent, or both.

A building consent is the formal approval issued by a Building Consent Authority (BCA) that certain works meet the requirements of the New Zealand Building Act, Building Regulations, and Building Code. It confirms your proposed building work is permitted to proceed subject to any restrictions or conditions that may be included in the consent.

Some examples of work that requires a building consent are listed in section 4.1.

Building consents are concerned primarily with safety (including risks to health) and are subject to national rules and regulations.

Buildings may also need to comply with the Resource Management Act and the Council's District Plan. Your circumstances may require a resource consent.

A resource consent is necessary for an activity that affects the environment.

If your proposal involves using land for a particular activity, erecting a building, additions to a building, earthworks or subdividing land you will need to check if a resource consent is required. See Section 11 for more information on resource consents.

# 2 About the Building Act 2004

The Building Act 2004 (the Act) is the legislation that governs the building industry in New Zealand.

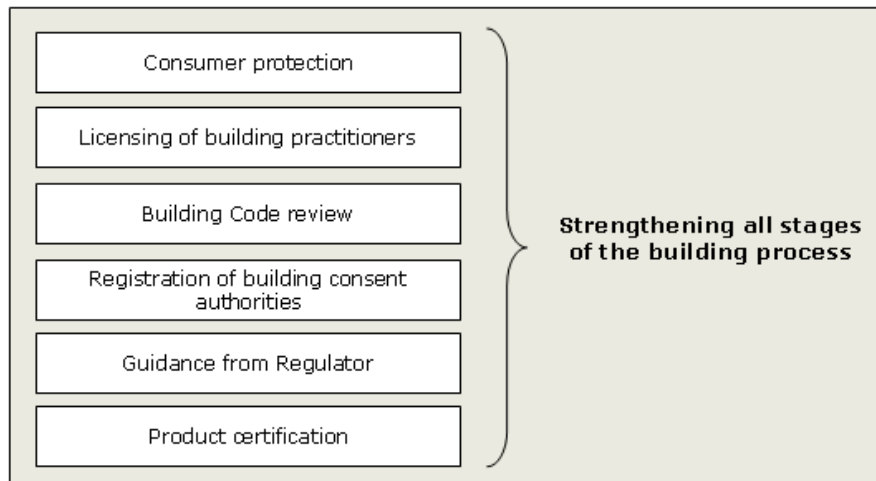
It covers the construction, alteration, demolition and maintenance of new and existing buildings. It sets standards and procedures for people (you, Council staff and other experts) involved in building work to make sure buildings are safe, healthy and built right. It covers how work must be done, who can do it and when it needs to be consented and inspected.

The Act aims to improve control of, and encourage better practices in, building design and construction.

This means:

- more clarity on how we expect buildings to meet the Building Code
- more guidance on how those standards can be met
- more certainty that capable people are undertaking building design, construction and inspection
- more scrutiny in the building consent and inspection process
- better protection for homeowners through the introduction of mandatory warranties

You can get more information about the Building Act 2004 by searching Building Act at [www.legislation.govt.nz](http://www.legislation.govt.nz) . Guidance information is also available at [www.building.govt.nz](http://www.building.govt.nz)



The Act introduced:

- a review of the Building Code for more clarity about building standards and more guidance about how to meet those standards;
- licensing and accreditation, which aim to provide more certainty that the people doing and certifying the work have the skills for the job;
- more scrutiny in the monitoring process that checks building and design work, and overseeing of the sector by the government; and
- a requirement for territorial authorities (that's us) to become Building Consent Authorities (BCA) and achieve accreditation by 30 November 2007.

The Kapiti Coast District Council is accredited as a BCA and is audited every two years to confirm this accreditation.

### 3 Why go through the building consent process?

The purpose of the law is to ensure that building work is safe, durable and does not endanger health, both for the current users of the building and to protect those who may buy and use the property in the future.

Building without a building consent where one is required is an offence in New Zealand that could result in fines and possibly the removal of the building work.

It may also make it difficult to sell the building, or even to get insurance.

### 4 When is a building consent required?

The Building Act 2004 Schedule 1 sets out certain building work that does not require a building consent. This is often referred to as 'exempt work'. Guidance information is available at <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-work-that-doesnt-need-a-building-consent/>

However, it is important to note that all building work, whether or not it requires consent, must be done to meet the standards of performance set by the Building Code.

Some basic building, such as laying a patio or installing kitchen cupboards, does not require a building consent. Most building work, however, does. The lists below provide a summary, but it is advisable to check with a Council Building Officer if you are unsure whether you will need a building consent or not.

#### 4.1 Examples of work that does require a building consent:

- structural building – additions, alterations, re-piling;
- plumbing and drainage [except repair and maintenance, by an authorised person only, of existing (using comparable) components];
- relocating a building;
- installing a solid fuel heater or air-conditioning system;
- retaining walls higher than 1.5 metres;
- fences or walls higher than 2.5 metres, and all swimming pools and their associated fences;
- decks, platforms or bridges more than 1.5 metres above ground level; and
- sheds greater than 10 square metres in floor area or close to boundaries or other buildings.

#### 4.2 Examples of work that does not require a building consent:

- a patio or deck at ground level;
- garden trellis less than 2.5 metres high;
- maintenance of your house, for example, replacing spouting or a piece of weatherboard;
- building a small garden shed (provided it is no closer than its own height to the boundary, is under 10 m<sup>2</sup>, and less than one storey high); and
- carport less than 20m<sup>2</sup>.

## 5 What is a PIM?

A PIM is an important document that tells the building consent applicant if there are any important issues of concern to other departments of council that may materially affect their project. Issues can include, but are not limited to Resource Management Act requirements (Resource Consents), flooding and land stability, public infrastructure etc.

Effective from February 2010 Project Information Memoranda became voluntary, however Kāpiti Coast District Council's Building Team recommends their continued use.

A Project Information Memoranda, or PIM, is a report provided by the Council about a specific building proposal on a specific site. It is not an approval of the proposal, but it will provide either:

- *Confirmation* that building work may be done, subject to the requirements of the building consent and provided that all other necessary authorisations have been obtained, or
- *Notification* that building work may not be done because necessary authorisation has been refused, even though a building consent may have been issued.

## 5.1 What does a PIM identify?

Information on any special features of the land concerned that is known to the Council, which could affect a proposed building project, such as:

- erosion;
- falling debris;
- subsidence;
- slippage;
- flooding;
- presence of hazardous material;
- whether a Resource Consent is required;
- whether other laws affect the site, for example, heritage requirements, territorial authority bylaws;
- details of surface water and wastewater;
- whether a development contribution fee is required; and
- whether the proposed use of the building will require an evacuation scheme approved by Fire and Emergency New Zealand.

## 5.2 What are the advantages in obtaining a PIM early?

The information provided in a PIM can assist the design stage so that costly redesigns are not required. It can also, if required, allow the resource consent application process to be well advanced before the building consent is issued preventing potential holdups.

## 5.3 What if I don't want to apply separately for a PIM?

Although you may apply for building consent without the benefit of a PIM, the Council must consider the same issues when processing your building consent and the requirements of the various plans that control building in our region, will be identified in your consent as either conditions or advice notes.

## 5.4 How do I apply for a PIM?

Application forms for a PIM (on a combined Building Consent /PIM form) are available from Kāpiti Coast District Council offices located in Rimu Road Paraparaumu, Waikanae and Ōtaki and can be downloaded from our web site [www.kapiticoast.govt.nz/Your-Council/Planning/Building/building-consent-application-requirements/](http://www.kapiticoast.govt.nz/Your-Council/Planning/Building/building-consent-application-requirements/)

State the address and legal description of the site, and provide drawn details about the kind of building that is proposed such as:

- site plan showing boundary dimensions and building distances from boundaries;
- elevations showing height of building and height in relation to boundaries for day-lighting (District Plan requirements);
- site coverage of proposed and existing buildings;
- proposed floor levels in relation to established datum;
- proposed earthworks (if applicable) with existing and proposed site contours;
- location of water ways and other specific land features (e.g. native trees); and
- proposed use of the building.

A PIM will be issued within 20 working days. There is a set fee for this service. (refer fee schedule available from Council offices or from our web site [www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/](http://www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/))

## 6 How do I obtain a building consent?

Application for building consent must be made on the prescribed form. The forms are available from any Kapiti Coast District Council Service Centre or from Council's website: [www.kapiticoast.govt.nz/Your-Council/Planning/Building/building-consent-forms-and-checklists/](http://www.kapiticoast.govt.nz/Your-Council/Planning/Building/building-consent-forms-and-checklists/)

Applications may be made online or in hard copy. For online applications use this link: [www.simpli.govt.nz/apply-online](http://www.simpli.govt.nz/apply-online)

The building consent application form must be completed in full, together with accompanying plans and specifications showing full detail of what you intend to build and how it will comply with the Building Code. *(This is important because at the end of the project, the building work will be signed off with a Code Compliance Certificate (CCC) if it has been carried out according to the approved building consent documentation.)*

It is suggested that an appropriately qualified professional should be engaged to assist with this as he or she will be familiar with the level of detail required. Refer to section 8 regarding Restricted Building Work.

It is important your plans are clear, concise, and drawn to scale on white paper in black ink.

Making sure the paperwork is correct for the building consent application can avoid delays and reduce costs.

Having good paperwork:

- helps any professionals on the project quote more accurately, make better purchasing and planning decisions and build according to the desired outcomes;
- ensures a better paper trail exists should something go wrong; and
- ensures the building work carried out corresponds to the plans if you or a future owner need to carry out maintenance or further building work.

### 6.1 Applying for a building consent

- Application forms for building consents are available from any Kāpiti Coast District Council Service Centre or can be downloaded from our website [www.kapiticoast.govt.nz/Your-Council/Planning/Building/building-consent-forms-and-checklists/](http://www.kapiticoast.govt.nz/Your-Council/Planning/Building/building-consent-forms-and-checklists/).
- Applications made online via Simpli do not require a separate building consent application form (Form 2) as this is part of the process. All other documentation must be uploaded as part of the application.
- A fee is charged for building consents and the fee must accompany the application. (Our current fee schedule is available from Council offices or can be downloaded from [www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/](http://www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/)). Refer to section 14.2 for payment options.



- Where the consent application is for part of a project only, the stage and number of stages should be indicated on the application form. The levies are charged on the cumulative value of the work where initial stages fell below the threshold for levies to be payable.
- The intended life of the building must be stated on the application where it is less than 50 years. Limiting the life of the building can affect the durability considerations of the building code. The building must be altered, removed or demolished at the end of its specified life. Any extension of life must take into consideration section 116.
- Completing the form requires some knowledge of the Building Code. (There is a check sheet available to assist with the application.)
- If the information provided is incomplete the application may be declined and returned or further information may be requested which could lead to delays.
- Building projects will need to include detailed plans and specifications as part of the application. These also need to demonstrate compliance with the Building Code and parts of them will need to be certified by a Licensed Building Practitioner with a design licence.
- Before making an application, go through the design in great detail.
- Applications where the forms are not completed, there is insufficient documentation provided, or there are outstanding fees, will not be formally received. No processing will take place and the statutory time clock does not start until the application is formally received.
- Once the building consent has been issued, variations from the consented plans may lead to problems getting the work signed off.
- Significant variations to issued building consents require an Application for Amendment to the building consent to approve the variation. This will also require an additional fee.
- Minor variations may be approved as the construction progresses and be recorded in the site inspection notes.
- Unapproved variations will mean the work does not comply with the approved building consent documentation, which means a code compliance certificate cannot be issued.
- Any fee balance must be paid before the building consent will be issued to you.

## **6.2 Additional requirements for multi-unit residential buildings, commercial or communal buildings, or buildings with premises that are intended for public use**

Commercial buildings require additional considerations by the Council as they frequently, by their very nature, are accessible to public and/or have large numbers of occupants. The Council is required by the Building Act 2004 to consider access for people with disabilities, fire egress, structural behaviour, and other matters over and above the usual issues checked in a single residential building.

### **6.2.1 Compliance schedules**

Under the Building Act 2004, buildings require a compliance schedule if they contain certain systems or features (e.g. fire alarm, safety systems, fire doors, fire walls, lifts etc.). These are called 'specified systems'. This applies mainly to commercial buildings and buildings to which the public have access, but a residential dwelling with a cable car will require a compliance schedule.

A list of specified systems is available under the compliance schedule section of the building consent application form. The items discussed above will require regular maintenance to ensure that they retain their efficiency and effectiveness. If your building contains specified systems, you must complete the Application for Compliance Schedule and supply with your application the maintenance, inspection and reporting conditions for each system.

Any changes to the approved building consent specified systems need to be covered by an amendment or minor variation. The addition or omission of a specified system not approved in the building consent will require an amendment. Note the installation of a specified system not included in the building consent will require a Certificate of Acceptance so any changes need to be notified to the Building Consent Authority prior to works being undertaken.

Once in place, the systems will require a yearly Building Warrant of Fitness to be issued by you.

### **6.2.2 Applications for alterations to existing buildings**

Where an application is for alterations to an existing building section 112 (or section 133AT if an earthquake prone building) must be considered. This includes owners providing the following information.

- Analysis of current degree of compliance with means of escape from fire and access and facilities for people with disabilities (by competent person).
- Analysis of what work is required to fully comply with the Building Code.
- Substantial alteration of an earthquake prone building includes seismic upgrading work.
- Proposal(s) for upgrade including a list of benefits and sacrifices involved in the proposals(s).

### **6.2.3 Waivers and Modifications**

You may apply to the Council for a modification or waiver of a requirement for some aspect of the building code, or restriction of access to a residential pool. The Council may grant a waiver or modification subject to conditions. The Council cannot grant a waiver or modification relating to access and facilities for people with disabilities.

### **6.2.4 Earthquake prone buildings**

Amendments to the Building Act commencing July 2017 amended the regime for identifying earthquake prone buildings and determining time frames for seismic upgrading. Transition arrangements allow for previous notifications of building status as unlikely to be earthquake prone, to remain.

Buildings not previously assessed will be profiled. Those buildings previously notified as potentially earthquake prone or profiled as such, require seismic strengthening to be undertaken with some alteration work.

An applicant considering altering an earthquake prone building should discuss the issues with a Council officer.

### **6.2.5 Additional code compliance requirements**

Owners must notify proposed change of use, extension of life or subdivision of buildings. Additional upgrading may be required by sections 115, 116 or 116A. The change of use of a building, whether that change requires building work or not, will trigger the 'change of use' provisions of the Act (this includes things such as converting a residential dwelling into a commercial premise or a sleep-out to a hair dressing salon).

It should be noted that the Act specifies that any upgrade work required by the Act must be 'as nearly as is reasonably practicable' to the modern code. This allows for discretion on the part of the Territorial Authority.

You should discuss any proposed new uses of a building with a Council officer to confirm whether or not the new use is considered to be a change of use.

### **6.2.6 Use by the public**

If the building is classified as a building for public use under the Building Act 2004, it is illegal for members of the public to use the building until the Code Compliance Certificate has been issued or a Certificate of Public Use applied for and granted by the Council. Please check with the Council when submitting the consent whether this restriction will apply.

### **6.2.7 Access and facilities for people with disabilities**

The Building Act 2004 Section 118 and Schedule 2 outline a large range of commercial buildings, to which access and facilities for people with disabilities are to be provided for. This schedule describes most commercial buildings and/or building uses. The objective of New Zealand Building Code section D1.1 (c) is to 'ensure people with disabilities are able to enter and carry out normal activities and functions within buildings'. They are not to be discriminated against due to their disability, which may be a short term accident or long term disability. The Council cannot waive this requirement for new buildings and any disagreements must be decided by the Ministry of Business Innovation and Employment, by way of a Determination (a quasi-legal opinion on a Building Act 2004 related matter).

Alterations to existing buildings also require an 'accessibility' assessment and upgrade. Where difficulty is experienced obtaining full compliance some discretion is possible, but a full 'benefits versus sacrifices' assessment by the applicant is required before the Council can give any dispensation.

Facilities may include (but are not limited to) accessible shower and/or toilet compartments, ramps, handrails, reception counters, corridor widths etc. It is advisable to check what will be required at design stage, as many of these features take up considerable space and expensive redesign may be required if they are not detailed on the submitted plans.

### **6.2.8 Structural design and producer statements**

Any building work outside the NZBC, B1 Acceptable solution, will require specific design by a suitably qualified Chartered Professional Engineer and the building consent should include a Producer Statement for design.

The engineer will state on the Producer Statement the structural design will achieve the requirements of the New Zealand Building Code and/or relevant NZ Structural Design Standards and any assumptions (e.g. ground bearing capacity).

The Council may require the design is peer reviewed to confirm the structural design meets the requirements of the relevant structural standards. This peer review will be regardless of the supply of a PS1. All peer review costs are borne by the applicant.

If site investigation has included a geotechnical investigation and subsequent specific foundation design, that geotechnical report may be subject to a separate peer review.

### **6.2.9 Fire rating behaviour and egress**

Fire safety in a building is assessed under the NZ Building Code, C Clauses 'Protection from Fire'. Any work in a commercial building will require a fire safety report detailing compliance with these clauses. Fire safety design falling outside of Clauses C1-C6 require specific fire engineering design under VM2 (Verification Method).

Any fire rated construction (e.g. walls, floors or ceilings) are to be shown on the plans, sections and construction details provided. The proposed work may be 'just an office fit-out', but this can impact on means of escape and the positioning of sprinkler and smoke alarm heads.

The Building Act 2004 requires that certain applications be sent to Fire and Emergency New Zealand (FENZ). It is expected the fire safety report will identify the need for FENZ review; in this case an additional full set of construction drawings will be required as the FENZ retain any plans sent to them. If occupancy of the building will take place in stages, consider whether to make staged building consent applications - there are new offences relating to occupancy or use of premises intended for public use affected by building work, and new consumer protection measures around sale and occupancy.

**Note: Applications that require being sent to Fire and Emergency New Zealand will need to include an electronic copy of the application in addition to the paper copies lodged with Council.**

#### **6.2.10 Lift requirements**

A lift may be required depending on the area of the upper floors or the occupant loads of the upper floors. If the use or occupant load changes, the building will be assessed to determine whether it complies for lift requirements. The Building Code mandatory performance code D1-Access Routes specifies which buildings require lift access: [www.building.govt.nz/compliance-documents#D1](http://www.building.govt.nz/compliance-documents#D1)

#### **6.2.11 Trade waste**

Trade waste issues are more likely to arise in industrial and commercial activities where products are being manufactured, processed or refined (e.g. meat and dairy processing plants, timber treatment plants, furniture manufacturers etc.). However these issues can also apply to smaller uses, such as restaurants, paint shops and truck yards. The Council has a 'Trade Waste Bylaw' which governs discharges to the sewer system from commercial and industrial premises.

The potential discharge will be assessed at consent processing time, however if you consider that discharges from the proposed premise may require a trade waste permit, please contact the Council early in the process as this may save expensive design review and changes (e.g. a truck wash bay and slab may require an oil interceptor sump/trap to contain oil washed from the vehicles. The oil is required to be contained and then collected and disposed of without contaminating the stormwater or sewer system).

#### **6.2.12 Food, Alcohol and Health Licences**

A building consent for a food premises (e.g. cafés, takeaways, restaurants, bars etc.); or a hairdressing salon, will also require approval from the Environmental Health Team under various pieces of legislation, and can be assessed concurrently while your building consent is being processed.

In this case the Environmental Health team will require fit out plans and other information related to your proposal including:

- Food – location of sinks, hand basins and cooking appliances; ventilation; surfaces; food storage areas; grease trap and backflow devices; and the scope of food preparation.

- Alcohol – the layout or changes proposed to the layout
- Hairdressers – the location of sinks, hand basins, shampoo basins and cutting chairs; surfaces; and backflow devices.

A Health Licence for the premises will be required before the public is permitted to use the premise.

Useful information can be found in the Building Code mandatory performance clause G3 Food Preparation and Prevention of Contamination. [www.building.govt.nz/compliance-documents#G3](http://www.building.govt.nz/compliance-documents#G3)

### **6.3 Documents to support your application**

- Record of Title**

In most cases a copy of the record of title (no older than 3 months) for the property is required. This identifies ownership, easements and other encumbrances which may affect the property.

- Completed Kāpiti Coast District Council Building Consent Application and Checksheet**

Kāpiti Coast District Council provides;

- application forms; and
- checksheets appropriate to your project.

These forms and checksheets are required to be completed and provided together with other information identified in this guide.

## **7 Applications for building work on land subject, or likely to be subject, to a natural hazard - Section 72 of the Building Act 2004**

### **7.1 What are natural hazards as they relate to a building consent?**

Natural hazards mentioned in the Building Act 2004 are:

- erosion (including coastal erosion, bank erosion and sheet erosion);
- falling debris (including soil, rock snow and ice);
- subsidence;
- inundation (including flooding, overland flow, storm surge, tidal effects and ponding);
- slippage.

A Land Information Memorandum (LIM) or Project Information Memorandum (PIM) will identify hazards that the Council knows about for a particular land site.

### **7.2 What does the Council consider when a building consent application is submitted?**

When an application for a building consent is lodged the Building Act 2004 requires the council to consider whether the land on which the building work is to be carried out is subject or likely to be subject to any natural hazard. Sections 71-74 of the Building Act set out the matters to be considered and the actions to be taken by the council.

New building works or alterations should be designed with natural hazards in mind. In some circumstances, the council must refuse to grant the building consent. In other circumstances, under section 72 of the Building Act 2004, the council may grant the building consent, subject to conditions. If the consent is granted under section 72 the Council must notify the Registrar-General of Land and an entry will be made on the Record of Title. This would indicate a building consent was granted under section 72 and would identify the natural hazard concerned.

### **7.3 How do I know if my property is in a hazard area and could be subject to section 72 of the Building Act 2004?**

Areas which have been identified as hazard areas are identified in the Council's District Plan. The latest information regarding hazards as well as the district plan information is available via the Council's website at <http://www.kapiticoast.govt.nz/Your-Council/A---Z-Council-Services-and-Facilities/Property-Information/> and <http://www.kapiticoast.govt.nz/Planning/>

### **7.4 What sort of work will trigger a section 72 notation on the Record of Title?**

Sections 71-74 of the Building Act 2004 deal with building consents for "construction of a building, or major alterations to a building" if "the land on which the building work is to be carried out is subject or likely to be subject to 1 or more natural hazards". Where this situation exists, the Building Act provides that a building consent can be granted but a notation will be made on the Record of Title.

Current Council guidance is that "major alterations" are assessed on a case by case basis.

Building work classified as “major alterations”, in section 71, will be considered “major” if the proposed work exceeds the lesser of 25% of the original floor area or 30m<sup>2</sup>. This only applies when the alteration is actually an addition.

All new buildings on land subject to a natural hazard are to be considered under section 71. Wholly internal fit outs, suspended decks and minor building consents will not be considered under section 71 regardless of size.

### **7.5 What are the implications of having a section 72 notation on the Record of Title?**

If there is a section 72 notation on the Record of Title, and the building is subsequently damaged by a hazard event, the owner and subsequent owners cannot claim against the Council for issuing the building consent.

You are strongly advised to contact your solicitor, insurance company or the Earthquake Commission <http://www.eqc.govt.nz> if you are either purchasing a property in these areas and/or you are intending to carry out any building alterations or additions in the future.

### **7.6 How does section 72 of the Building Act 2004 compare with previous building legislation?**

The Building Act 1991 also covered natural hazards and a section 36(2) entry under that 1991 Act is similar to a section 72 entry under the Building Act 2004.

Before 1991 all building permits were issued under the Local Government Act 1974 and a section 641(A) entry under that Act is also similar to a section 72 entry under the Building Act 2004.

### **7.7 How do I know whether there is already a hazard-related notation on the Record of Title?**

This can be identified by obtaining a copy of the Record of Title from Land Information New Zealand <http://www.linz.govt.nz>.

## 8 Restricted Building Work and Licensed Building Practitioners

If your project includes structural or weathertightness work on a residential dwelling the work may be classed as “Restricted Building Work” (RBW). This type of work must be designed and built (or supervised) by a Licensed Building Practitioner (LBP).

Your application will need to include a design certificate from all LBP’s that carried out the design work. You will also need to provide council with a list of the LBP’s who will carry out the building work. It’s best if the names and registration numbers of these licensed tradespeople are provided on the consent application form. You can provide the list after your consent has been issued but you should be aware that the work must not start until you have provided council with names of the LBP’s.

It is possible in some circumstances to get an owner builder exemption for DIY work that is restricted building work. Applications need to include a statutory declaration from the owner which is available from the [www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/owner-builder-obligations/](http://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/owner-builder-obligations/).

Licensed Building Practitioners include:

- designers;
- carpenters;
- roofers;
- external plasterers;
- brick and blocklayers; and
- foundations specialists.



Professional engineers, architects, plumbers and gasfitters are treated as LBPs and can carry out some RBW.

A lot of work that requires a building consent is RBW but not all. Check the information on RBW on [www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/restricted-building-work/](http://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/choosing-the-right-people-for-your-type-of-building-work/restricted-building-work/) or contact us for more information about Restricted Building Work on your job.

Restricted building work is work which is critical to the integrity of a building. It makes sure the building is structurally sound and weather tight, that’s why it can only be done or supervised by tradespeople who are LBPs. Having RBW regulations makes sure that your family home, often a New Zealander’s biggest asset, is protected.

Your designer must identify all the RBW on your job when they fill in their Certificate of Work. They’ll do this when they draw up your building plans.



It's important to know that a lot of work that requires a building consent will include RBW, but not all. If the work to your home does not include work to the primary structure or its weather tightness, then it is likely to not be RBW. Below are a few examples of building work that require a building consent, but don't necessarily contain RBW:

- fitting new sanitary fixtures where there were not any previously (e.g. new kitchen or ensuite);
- installation of a solid fuel heater;
- domestic wind turbine;
- domestic swimming pool;
- installing a cable car to a home;
- installing other specified systems in small/medium apartments (e.g. smoke alarms, lift, HVAC system); and
- installing insulation to external walls in a home.

### **8.1 What should I know before engaging an LBP?**

An LBP can be identified either by producing their photo ID licence card or by checking their details against the public register at [www.business.govt.nz/lbp](http://www.business.govt.nz/lbp)

Before undertaking any building project homeowners should ensure they are fully aware of their responsibilities.

If you do not want to manage the building project yourself then you may want to consider engaging a Site Licensed Building Practitioner.

A Site Licence shows competency in organising and managing building projects including demonstrating knowledge of the regulatory requirements of the building and construction industry; showing technical knowledge of construction methods and practices; managing personal and providing technical supervision.

If you are currently undertaking a building project then now is the time to check that the designer you are using is either licensed, or a registered architect or a chartered professional engineer.

## 9 Plans and specifications

It is essential that plans and specifications are detailed, specific to the project, and clearly demonstrate how compliance with the various clauses of the Building Code can be met.

The philosophy around the building consent process is to “get it right the first time” so that the better the detail and other relevant information provided, the smoother the process.

Listed below are the minimum requirements for plans and specifications accompanying a building consent application. The overall clarity and accuracy of the information is critical and can help to speed processing of the application.

Faxed plans are not acceptable.

If these minimum requirements are not met, Kāpiti Coast District Council may consider that the application is incomplete, and will not accept it for processing.

### 9.1 Paper to use

Plans are to be drawn on good quality plain white paper, coloured or graph paper is not acceptable. Paper size should be in proportion to the size of the project being shown. Size A3 is preferred; plans drawn on A1 or A2 should have an additional copy reduced to A3 supplied with the application, (with reduced scale key).

Plans sent electronically for Simpli applications must be of sufficient quality. Scanned images will only be accepted when viewing at full size has crisp resolution.

### 9.2 Colour

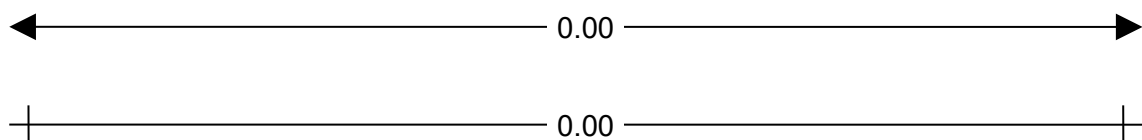
Plans need to be black on white for clarity. Computer generated shadings will be accepted if the clarity of the plan is not affected. Originals should be in black ink to give clear copies.

### 9.3 Dimensioning

All parts of the plans are to be clearly and accurately dimensioned, in metres and millimetres. Dimensions should always indicate zero metres or millimetres:

For example, 0.600 for six hundred millimetres or 3.000 for three metres.

Dimension lines need to be identified by a cross line or arrow. For example:



### 9.4 Number of copies

Generally one copy of all documents, and a second copy of all plans and the record of title is required to be submitted with the application.

## 9.5 Information to be shown on the plans

The following information shall be shown on the plans provided:

### 9.5.1 General

- north point
- a unique plan number
- the scale used
- legal description of the land
- street address and district
- area of the site in square metres
- date of drawing
- boundaries and street frontage
- name and contact details of the designer i.e. architect or draughts person
- natural ground level
- existing and proposed ground contours (accurately plotted)
- nett usable area
- actual dimensions between buildings and boundaries, and between other buildings on the site
- any significant natural features (e.g. stand of trees, water courses)
- cut and fill and the area involved, in square metres or cubic metres
- any compliance or non-compliance with the relevant rules from the District Plan (e.g. height control planes, yards, maximum height, site coverage calculations)
- elevations of any structures and compliance with the relevant daylight access plane
- outdoor living courts
- total area of permeable space available
- location and details of vehicle entry

### 9.5.2 Construction drawings

The following outlines the required construction drawings which should accompany your application. Depending on the complexity of your project some or all of the requirements could be incorporated on one drawing.

#### Site Plan: (recommended scale 1:200)

- north point
- a unique plan number
- the scale used
- legal description, legal boundaries and any easements
- building location including dimensions (in meters) to boundaries, water courses, and boundary fire ratings
- proposed finished floor levels and site datum
- location of existing and new services
- location of proposed water tank (see plan change 75 requirements, section (9))
- proposed/actual driveway location, site finishes (hard and soft) with levels and falls
- excavation details (cut and fill) and any proposed retaining walls
- existing buildings and site features
- natural hazards if known
- location of existing and proposed vehicle crossing

#### Foundation/Concrete Floor Plan (recommended scale 1:100)

- concrete slab dimensions and any thickenings, including reinforcing and construction joints
- plumbing and drainage layout and should include the method of compliance proposed (e.g. NZ/AS 3500)
- footing width and depth
- steel size, type and placement
- mesh type and size
- damp-proof membrane
- control joints, saw cuts and supplementary steel requirements
- slab thickness, point loads or slab thickening
- specific design foundations supported by engineers information

### **Subfloor Plan (recommended scale 1:00)**

- foundation walls including reinforcing
- pile layouts with dimensions, pile type (anchor, brace or cantilever)
- bearer sizes (include any decks or pergola's)
- footing width and depth
- treatment level and size of piles
- treatment level, size and spacing of bearers
- subfloor bracing plan (include direction of subfloor braces)
- subfloor connection capacities, type and location
- subfloor ventilation (if not shown here must be included on elevation plans)
- location of subfloor access and decks

### **Floor Framing Plan (recommended scale 1:100)**

NB: a separate plan must be provided for each level of the building

- floor framing layout or joist layout including position of any blocking or horizontal support
- treatment level and size of joists
- location of plumbing fixtures and pipe layouts including plan change 75 requirements
- details of underfloor insulation

### **Floor Plans (recommended scale 1:50 or 1:100)**

NB: a separate plan must be provided for each level of the building.

- floor levels relevant to the site datum
- overall dimensions of walls and other structural elements
- internal dimensions of all rooms
- bracing layout or clear reference to a bracing plan and schedule elsewhere
- lintel sizes or clear reference to a schedule elsewhere
- window and door locations and plan dimensions
- any special wall construction (sound, fire, acoustic, moisture control)
- room layouts and location of all internal fixtures and fittings
- staircase layouts
- plumbing diagram and location of plumbing fixtures including plan change 75 requirements (full schematic drawing required for two or more storeys)
- cross-section references, space numbers, door/window numbers
- references to detailed drawings
- outline of roof or pergola overhangs

- any electrical fitting required for compliance
- location of smoke detectors
- openings for services

**Roof Framing Plan (recommended scale 1:50 or 1:100)**

- the method of construction (pitched or trussed)
- identification of framing/truss members
- truss design

Note: There has been considerable debate over the need and detail required to be supplied for truss designs. Our requirement is that a “buildable” design must be provided which covers not only the truss design but other areas of the structure which the truss design will impact on e.g. internal load bearing walls and slab thickening, truss loaded lintels, design loads identified, timber treatment, all truss fixings, stud to top plate and uplift fixing for specified lintels.

- roof pitch and direction of falls
- location of gutters and downpipes (and overflows if internal gutters)
- roof bracing, point loads and any roof penetrations
- roof catchments and cross sectional areas for internal gutters (if not specifically detailed elsewhere)
- purlin/batten details (if not specifically detailed elsewhere)

**Exterior Elevations:**

(Recommended scale 1:100 increased to 1:50 where exterior opening are not scheduled elsewhere.)

- all exterior elevations of the building
- relevant levels, overall height of the building
- windows doors and other openings, indicating size, opening type and direction
- cladding types
- cladding ground/deck clearance dimensions
- location of construction joints in claddings
- roofing types, roof shapes, pitch and overhangs
- skylights, chimneys and other openings through walls and or roofs
- gutters downpipes and vent locations
- exterior decks, stairs and balustrades
- references to any detail drawings
- reference to exterior face risk matrix

A valuable tool is the Ministry of Business, Innovation and Employment information about E Moisture available at [www.building.govt.nz/building-code-compliance/e-moisture/](http://www.building.govt.nz/building-code-compliance/e-moisture/)

**Cross Sections (recommended scale 1:50):**

- ground levels and levels relative to site datum
- wall heights
- window and door height dimensions
- framing sizes and timber treatment (or a reference to the specifications)
- construction details including wall, ceiling and floor linings
- roof and ceiling pitches
- floor slopes (gradients)
- stair/step pitch including tread and riser dimensions
- barrier heights and reference to specific details
- location of detail drawings

Ensure that cross sections are provided to show any difficult or 'tricky' construction aspects of the building.

## Construction Details

(Recommended scale 1:20 or 1:10 depending on the complexity of detail)

Note: In the past the lack of detail has caused the most concern and has often resulted in poor on-site application and frustration for all involved in the project. We are focusing more on this aspect during our application assessment.

It is important that construction details illustrate and describe visual, structural and weatherproof design.

Construction details must provide specific design information for more difficult areas of construction such as:

- steps in floor levels
- stairwell construction
- decks, including connections to building
- weathertight risk features (including door and window details)
- penetrations through building envelope
- junctions (including differing cladding materials)
- interfaces between and within major building elements
- barrier construction
- flashing details

These requirements are targeted specifically at residential building but many of the aspects can also be applicable to commercial/industrial projects including those designed for public use.

However for commercial/industrial and public use building, other specific details will be required including details for:

- fire protection
- means of escape from fire
- mechanical services
- compliance schedules

For applications that need to be sent to Fire and Emergency New Zealand additional copies of specifications and fire reports will be required.

It is recommended that for those contemplating building projects, other than residential building, a meeting be arranged with our project team early in the design stage to discuss specific details.

Please contact our Call Centre on 04 296 4700 or 0800 486 486 to make an appointment.



## Engineering Information

- engineering calculations
- engineer's details (if not on plans)
- producer statements and Certificate of Work (if RBW)

## Specifications:

- two sets of specifications (unless indicated otherwise on application forms and check sheets) with relevant section headings are required
- specifications must be specific to the project and contain no irrelevant information
- the basic information such as site address, legal description and owners name and address, should be clearly shown

Specifications should also include details of all materials and fittings (including specific installation details of proprietary products and systems) required for the project and indicate compliance with the various clauses of the Building Code.

Specifications can also contain construction details if not shown on plans.

Please note: if your project is Restricted Building Work (see Part 7) your application must include a Memorandum of Work and, if known, details of all Licensed Building Practitioners who will be involved in your building project.

## 9.6 Processing your consent

Once accepted the Council has 20 working days (10 days for MultiProof consents) to process and decide whether to grant or refuse a building consent application. A working day is defined in the Building Act 2004 and is Monday to Friday excluding statutory holidays and the days between the 20 December and 10 January inclusive. If more information is requested, this can cause delays.

The working day 'clock' may be put on hold if further information is required to ensure your project meets the requirements of the New Zealand Building Code. The number and length of these deferrals is mainly in your control. A fully completed application form with good quality supporting information will help in minimising any deferment delays.

Generally applications for building consents are received by mail, hand delivered to our offices or electronically via Simpli using this link [www.simpli.govt.nz/apply-online](http://www.simpli.govt.nz/apply-online)

The Building Team will determine whether all relevant information is provided and the application contains sufficient information to enable the Council to determine compliance with the Building Code. (*Note this is not an in - depth technical review*).

If at this point the Building Team determine that the application is incomplete, your application may be declined and returned to you advising what additional information is required.

Once a completed application is received and the appropriate fee paid, the statutory 20 day time frame for the approval process will commence.

The Council checks that your proposal provides reasonable grounds to demonstrate that the building code provisions will be met, to the extent required by the Act, and that the Council fees and any levy is paid. When the above matters are met, the building consent is 'granted'. The Act provides that the consent is granted with conditions where there is a hazard, there is a resource consent required or the building is over 2 or more allotments. Once granted the documentation will be assembled and issued to you. Building work cannot start until consent has been granted.

### **9.6.1 Resource Management Act requirements**

An important part of the checking of your building consent is the identification of any Resource Management Act requirements under the various Plans that contain rules to minimise effects on the environment.

The two plans that will have most influence are the Combined District and Regional Plan and the Discharge Plan (for on-site wastewater disposal issues). The planners check for any issue that may impact on the actual lot you are building on (on site effects) and impacts on neighbouring properties. The off-site effects are issues such as shading, noise, and increased lighting glare or traffic. The onsite effects are site coverage and consequent loss of amenity values, inter tenancy and other noise, and the activity proposed for the site.

A building that has Resource Management Act constraints may be required to obtain resource consent as well as a building consent to authorise the building process and end use. If the building consent is ready before the resource consent the building consent will be issued with a certificate that prevents the commencement of the building work before the resource consent is issued. For more information about resource consents see chapter 12 Other approvals that may be required.

### **9.6.2 The approval process has a number of steps:**

- on formal receipt (described above) all documents received are scanned into our computer system;
- documents are checked to ensure all the required information is present and the process commences; and
- documents are technically reviewed by specialist staff to verify compliance with the applicable Building Code clauses which may include but is not limited to:
  - building structure;
  - weather tightness;
  - durability;
  - safety from falling;
  - plumbing and drainage;
  - outbreak of fire;
  - means of escape;
  - fire resistance;
  - control of fire and smoke;
  - environmental health (if health or food premise); and
  - alcohol licensing (if licensed premise).

It is possible that during this detailed review process deficiencies are discovered which may result in further information being requested. This may include comments from Fire and Emergency New Zealand (if applicable); and the information provided by specialists e.g. fire and structural engineers may require peer reviews.

If this is the case the 20 day time period will be suspended until such time as the information is received. Once the requested information is received and verified the time period will recommence.

Once satisfied, on reasonable grounds, that the provisions of the Building Code would be met if the building work were completed in accordance with the plans and specifications provided with the application Council must grant the building consent provided that all charges and levies have been paid.

Conversely if it cannot be satisfied Council may refuse to grant the consent and:

- will give written advice; and
- the reason for refusal.

Once granted the consent will be issued in accordance with **section 51 of the Act** once any outstanding fees are paid.

If you do not agree with the decision you may seek a 'Determination' from MBIE [www.building.govt.nz/resolving-problems/resolution-options/determinations/](http://www.building.govt.nz/resolving-problems/resolution-options/determinations/) If you do not believe you have received good service from the Council you can make a complaint <https://www.kapiticoast.govt.nz/contact-us/contact-council/>

### 9.6.3 A building consent must:

- be issued in the prescribed form;
- have attached to it a copy of:
  - the Project Information Memoranda (if any) for the building work to which the building consent relates;
  - a development contribution notice under section 36 (if any); and
  - a certificate issued under section 37 (if any); and
- contain confirmation that the Heritage New Zealand has been notified under section 39 (if applicable);
- if a compliance schedule is required as a result of the building work, state:
  - the specified systems that must be covered by the compliance schedule;
  - the performance standards for the specified systems that are required by the Building Code;

- if an amendment to an existing compliance schedule is required as a result of the building work, state:
  - the specified systems that must be covered by the compliance schedule;
  - the performance standards for the specified systems that are required by the Building Code.
- be granted subject to the condition that Council may inspect the work on site, or off site where the building work is being undertaken elsewhere, during normal working hours;
- be granted with other conditions related to the requirement for a resource consent, hazard notification, building over 2 or more allotments certificate, or the limited life of the building as may be applicable;
- The issue of a building consent does not, of itself,—
  - relieve the owner of the building or proposed building to which the building consent relates of any duty or responsibility under any other Act relating to or affecting the building or proposed building; or
  - permit the construction, alteration, demolition, or removal of the building or proposed building if that construction, alteration, demolition, or removal would be in breach of any other Act.

#### **9.6.4 Lapse of building consent**

A building consent lapses and is of no effect if the building work to which it relates does not commence within:

- (a) 12 months after the date of issue of the building consent; or
- (b) any further period that the building consent authority may allow.

Once the approvals process is complete, provided there are no other approvals required (identified through the District Plan checking process), your project is able to commence. When you receive your building consent you should read it carefully and contact us should you have any queries.

## 10 MultiProof consents

The MultiProof service enables volume builders to obtain a MultiProof or National Multiple-Use Approval for standardised building designs that are intended to be replicated several times.

MultiProof approvals are issued by the Ministry of Business, Innovation and Employment.

MultiProof is a statement by the Ministry that a specific set of building plans and specifications complies with the New Zealand Building Code. Under the Building Act 2004, Building Consent Authorities must accept a MultiProof as evidence of Building Code compliance.

MultiProof approvals create time and cost savings for volume builders by removing the need for the same or substantially similar building designs to be assessed repeatedly by individual building consent authorities for Building Code compliance.

A building consent is still needed for a building with MultiProof approval. The role of Building Consent Authorities is to:

- approve site-specific details, including foundations and utilities;
- ensure that any MultiProof conditions have been met; and
- undertake normal inspections during construction.

(More information on MultiProofs is available on the following website [www.building.govt.nz/building-code-compliance/product-assurance-and-multiproof/multiproof/](http://www.building.govt.nz/building-code-compliance/product-assurance-and-multiproof/multiproof/))

The Council has 10 working days to issue a Multiproof building consent.

MultiProof applications are subject to reduced consent fees (available at Council Offices and online at [www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/](http://www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/) ) which reflect Council's reduced input into the consent approval process.

## **11 Producer Statements**

A Producer Statement, while not specifically mentioned in the Building Act 2004, can be valuable additional information to assist Council in determining compliance with the Building Code. It may state that certain work will be carried out in accordance with certain technical specifications and complies with specified clauses of the Building Code.

A Producer Statement could cover any of the following areas:

- design;
- design review;
- construction; and
- construction review.

The Council may accept Producer Statements submitted on forms prescribed by professional organisations involved in Producer Statements (such as Chartered Professional Engineers, CPEng).

Copies of calculations that form the basis of any Producer Statements must be included.

### **11.1 Acceptance of Producer Statements**

A Producer Statement is accepted at the discretion of the Council. The Council is still responsible for ensuring that compliance with the Building Code has been achieved.

## 12 Other approvals that may be required

### 12.1 Resource Consent

If you wish to use land for a particular activity, erect a building, or additions to a building, or subdivide land, you must check the Operative Kāpiti Coast District District Plan (2021) to determine whether your proposal is a Permitted Activity. If your proposal is a Permitted Activity and complies with all the requirements outlined in the District Plan, you may proceed (once your building consent has been approved).

If your proposal is not a Permitted Activity, it may require Resource Consent. The Resource Consent process will vary depending on the type of activity you propose.

The District Plan contains rules about different types of activities in different parts of the district. Anything not permitted by the Plan requires a resource consent, which will be for either a land use consent, a subdivision consent or a deemed permitted boundary activity.

#### 12.1.1 What is a Resource Consent?

A Resource Consent is a permission given by a Council to use or develop a natural or physical resource and/ or carry out an activity which affects the environment in some way.

Resource Consents sometimes include conditions designed to ensure that any adverse environmental effects are avoided, remedied or mitigated.

Resource Consents help achieve sustainable resource management by regulating and monitoring the use of natural and physical resources.

The rules that set out what activities may or may not need resource consent are laid out in the District Plan, and relevant Greater Wellington Regional Plans.

Prepared under the Resource Management Act, these plans control the effects of activities and development on the environment.

The kinds of activities that may require resource consent include:

- building a new house or making additions or alterations
- subdividing a property
- building or other activities in the coastal marine area
- pruning, removing or working near a protected tree
- building a swimming pool
- discharging wastewater or stormwater
- discharging pollution into the air
- incinerating, cremating or burning outdoors.
- earthworks.

#### 12.1.2 When do I need a Resource Consent?

You require a Resource Consent if your proposal is not allowed as of right in the Operative Kapiti Coast District Plan (2021), or the coastal hazard provisions of Kapiti Coast District Plan (1999).

The type of activity you propose will be defined in the District Plan as permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited depending

on the extent of the impact on the environment. How your activity is defined will determine whether you require Resource Consent.

There are six types of consent. At Kapiti Coast District Council we deal with land use and subdivision consents, as well as consents required under several National Environmental Standards (in particular, the NES for Assessing and Managing Contaminants in Soil to Protect Human Health; the NES for Telecommunication Facilities; the NES for Forestry, and the NES for Electricity Transmission Activities); the three other types (coastal permit, discharge permit and water permit) are dealt with by Greater Wellington Regional Council (GWRC) (some land use consents may also be dealt with by GWRC).

### **a. Land Use Consent**

Land use consent relates to the use of land and buildings, including the construction of buildings and earthworks. An application for land use consent is required where the whole or part of a proposed activity, or structure is not allowed as of right or does not fully comply with all of the relevant rules and permitted activity standards of the District Plan, for example it exceeds the maximum height, is above the height in relation to boundary, or is within a side yard.

#### **Earthworks**

Earthworks are governed by the District Plan. Site works by definition are building works and can be covered by a building consent. If this is to apply, site works can only be undertaken after the building consent has been granted.

#### **Permitted Activity Standards for Earthworks**

The following examples of permitted activity standards apply when carrying out earthworks for any activity such as constructing new dwellings and relocating buildings, building roads and access ways to building sites.

Earthworks shall not be undertaken:

- on slopes of more than 28 degrees; or
- within 20 metres of a water body, including wetlands and coastal waters;

In all other areas managed under the Earthworks chapter of the District Plan, for earthworks to be permitted, it must not involve:

- the disturbance of more than 50 cubic metres (volume) in the General Residential Zone, Working Zones, Natural Open Space Zones and Open Space Zones within a 5 year period;
- the disturbance of more than 100 cubic metres in Rural zones (volume) of land within a 5 year period; and
- altering the existing ground level by more than 1.0 metre, measured vertically.

In all other situations, for earthworks to be permitted, it must involve the disturbance of less than 50 cubic metres in the Residential areas [100 cubic metres in Rural areas] (volume) of land and not alter the existing ground level by more than 1.0 metre, measured vertically. If one of these thresholds is exceeded resource consent is required. In the residential zone, this standard does not apply if the earthworks are associated with an approved building development, subject to a building consent, provided that the earthworks do not extend more than 2.0 metres beyond the foundation line of the building.

It is important to note there are other earthworks restrictions within the District Plan if proposed within any of the following:

- identified historic heritage sites;
- identified geological sites;



- identified ecological sites;
- outstanding natural landscapes; and
- specific flood hazard categories (overflow paths, residual overflow paths, ponding, stream corridor, river corridor, flood storage and fill control flood hazard categories).

For the full information on earthworks provisions please check the Earthworks, Natural Hazards, and Historic Heritage, chapters in the District Plan.

Note, some earthworks are also managed under the National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health (2011). See (c) below for more information.

Earthworks may also be regulated under legislation and regulations which is not administered by the Council, such as:

- The Heritage New Zealand Pouhere Taonga Act 2014; and
- NZECP:34 Electrical Safe Distances 2001.

For more information on earthworks rules under the District Plan or the NES, please contact the Resource Consents staff at the Council or click on the link below to the Kapiti Coast District Council E-Plan.

[Operative Kapiti Coast District Plan 2021](#)

## **b. Subdivision**

A subdivision consent is required to legally divide land or buildings for separate ownership, such as new lots or sections, unit title, flat plans (cross-lease), or company lease. Subdivision of buildings must take into consideration section 116A of the Building Act 2004.

For further information relating to the Resource Management Act 1991, and the subdivision requirements contained within the District Plan, please contact the Resource Consents staff at the Council.

NOTE; Drains that are not to be vested in Council (private drainage) require a building consent to be obtained prior to undertaking the work.

**Consent Notices** may be placed on records of title at the time of subdivision to ensure that consent conditions, which are required to be complied with on an on-going basis, are complied with by subsequent landowners. Typically these relate to stormwater provisions, recommended minimum build levels, rural water supply, rural wastewater treatment and disposal, and specific foundation requirements.

## **c. Consents required under National Environmental Standards (NES)**

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health applies to land which is identified as contaminated or potentially contaminated based on the site's previous activity history and specifies resource consent requirements for activities, such as removal or replacement of fuel storage systems, soil sampling and disturbance, subdivision and changes in land use to a more sensitive use (i.e. industrial to residential);
- NES for Telecommunication Facilities applies to the planning and operation of a telecommunication facility (such as a mobile phone transmitter) and specifies when such a facility can be a permitted activity; and
- NES for Electricity Transmission Activities applies to existing high voltage electricity transmission lines (i.e. the national grid) and specifies resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

## d. Development Contributions

### Development Contributions

- Every new residential or commercial development places demands on the district's resources and services such as the transport network, water supply, waste water, community infrastructure and open space and reserves.

A development contribution is a levy on new developments, collected under the Local Government Act 2002, to ensure that any development that creates additional demand on council infrastructure, contributes to the extra cost it imposes on the community.

- A development contribution may be assessed at one of three stages (whichever comes first):
  - When a resource consent (subdivision or landuse) is granted under the Resource Management Act 1991;
  - When a building consent is granted under the Building Act 2004; or
  - When an authorisation for a service connection is granted
- If a development contribution is relevant to your project, a CCC will not be issued until the development contribution is paid.

### Financial Contribution

- A financial contribution is a levy on new developments, collected under the Resource Management Act 1991. Financial contributions will be required for all granted land use and subdivision consents and as a requirement for permitted land use activities where it is determined they will increase the demand for reserves and public open spaces within the District and a financial or development contribution has not already been taken for the same development, purpose, and at the same level and intensity of development.

Council will use the contribution for reserves and public open spaces to:

- contribute to District-wide facilities, and
- address deficits within the District, and
- undertake improvements to existing reserves and public open spaces

## 12.2 Vehicle crossings

It is the responsibility of every owner to provide vehicle access from the public road carriageway to the property boundary for the purposes of off street parking or unloading. Generally only one vehicle access per property is permitted.

- If you are constructing an access from your building site onto the legal road or are undertaking other works in the road that relate to your building project, you will need an additional permit from the Access & Transport Team for work in the road corridor.
- Some examples of activities requiring a permit are:
  - footpaths and vehicle crossing construction
  - trenching or other work within the berm or shoulder of the road, and
  - tree work, scaffolding and crane work.
- All the relevant forms and standard drawings for vehicle crossings can be found on the Council website: <http://www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Roads/Working-on-the-Road/Vehicle-Crossing/>

- Before undertaking work in the legal road/road reserve you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from the Access & Transport team.
- Ensure that before any excavations are undertaken a "Before U Dig" inquiry is made to check for locations of any underground services. This is a web based service that you or your contractor use to get plans and information emailed out to you. This also provides the mechanism for you to make a Corridor Access Request and provide us with a Traffic Management Plan to protect your site, contractors, and the public during operations.
- The process and the forms that have to be submitted can be found on the Council website under Council Services/Roads or Council Services/Frequently asked questions/Access & Transport .
- Please note: The "Before U Dig" service has no information on council's buried water, wastewater or stormwater assets. Our mapping tools show the location of the buried council assets.
- Please be aware that during construction, the property owner is responsible for clearance of silt, water or tracking onto the road from the building site.

## **12.3 Building over or near Council drains**

### **12.3.1 Can I build over a stormwater or sewer pipeline, or within a secondary overflow path?**

The majority of piped services located on private land are covered by an easement. Most easements specifically prevent building on the easement land or having any part of a building over hanging the easement. The main purpose of the easement is generally to allow the Council uninterrupted access in the future and prevent damage occurring to Council assets. Some easements (particularly those protecting a secondary overflow path, stormwater attenuation or disposal area) also restrict or prevent earthworks, buildings, fencing, or planting being undertaken within their footprint.

Irrespective of whether the pipe is covered by an easement, Council will not permit any structure (including any overhang associated with a building such as eaves) to be built over Council mains unless there is no viable alternative and the conditions outlined in the 'Building over or adjacent to public drains' Policy (4 April 2002) are met.

To ensure that future landowners are aware of the policy requirements, the following conditions must be registered on the Record of Title:

- a) in the event of pipe failure the landowner is liable for all costs associated with repairs or replacement of the pipe under the building;
- b) the landowner is liable for any damage to the building as a result of pipe failure or subsidence; and
- c) the landowner is solely responsible for all injury, loss or damage which may occur to the building while Council is carrying out any activity associated with the inspection, construction, maintenance or repair of the pipe or other works undertaken by the Council because of the presence of the pipe (including the relocation or removal of the structure;
- d) any other condition considered necessary by the relevant Asset Manager.

A removable carport is sometimes allowed to be built over a Council main providing some specific conditions are met with regard to:

- a) foundation details to ensure no loading from the footings or floor is applied to any pipe;
- b) the structure is never to be closed in; and

- c) it is understood the landowner is solely responsible for all injury, loss or damage which may occur to the structure while Council is carrying out any activity associated with the inspection, construction, maintenance or repair of the pipe or other works undertaken by the Council because of the presence of the pipe (including the relocation or removal of the structure).

There are also some criteria about how close the building is permitted to those council services and would generally be 3.0 metres from the centreline of the main at a minimum, but this is determined on a case by case basis depending on how deep the pipe is buried.

If the relocation of drainage works appears essential to the erection of the structure or carrying out the works, a landowner can make application to the Council to divert a Council main to a new location. Acceptance of an application is at the sole discretion of the Council. The applicant would have to pay all costs associated with the design and relocation of the main, and any legal fees associated with the uplift and relocation of the easement in favour of the Council over the relocated pipe. In the event no easement currently protects the pipe, it is Council expectation that an easement in favour of Council would be registered over the relocated pipe.

### **12.3.2 Open drains in private property**

There are a number of restrictions with regard to open drains which pass through private property.

- a) There are planning requirements regarding how close you are allowed to build to open drains or streams. Generally the distance from them varies on the size of the stream and is treated on a case by case basis.
- b) A lot of open drains throughout the District are covered by an easement in favour of the Council so for any work that is undertaken in or around the drain the Council should be consulted.
- c) Any drain within the District which is covered by an easement in favour of the Council is generally maintained by the Council. This drain is maintained to a standard to receive flood flows and is generally not maintained for aesthetic purposes. While Council encourages landowners to enhance the landscape and biodiversity potential of any watercourse located on their property, access should always be left available for the Council through the easement land and no works should restrict the passage of flood flows. Resource Consent may be required from Greater Wellington Regional Council and Kapiti Coast District Council if earthworks are carried out in or within 20 metres of the drain or stream including piping of an open drain.
- d) Watercourses and drains to remain in a natural state wherever possible. Channel straightening or lining shall only be considered where planned maintenance is not considered appropriate or there is a threat to life and property. Any lining or straightening to be carried out in a manner and by a method that is sensitive to the surrounding environment. Piping or closing in of natural waterways or drains is not considered appropriate and will only be approved in exceptional circumstances. Consent for such work may be required from the Greater Wellington Regional Council.

## **13 The water demand management and hydraulic neutrality provisions of the District Plan**

All new and relocated residential buildings on land where potable public water supply is available must be fitted with one of the following:

- a) rainwater storage tanks with a minimum capacity of 10,000 litres for the supply of non-potable water for outdoor uses and indoor toilets; or
- b) rainwater storage tanks with a minimum capacity of 4,000 litres for the supply of non-potable water for outdoor areas and indoor toilets, and a greywater re-use system for outdoor irrigation. The greywater re-use system shall re-use all water from bathrooms (excluding toilets) and laundry washing machines

Residential buildings in all Rural Zones must be supplied with a potable water supply.

**Note:** Compliance with the Drinking-water Standards for New Zealand 2005 (revised 2008) and the New Zealand Building Code 1992, to the extent that this is applicable, shall be one means of complying with this standard.

The quantity of potable water available for use must be on the basis of 250 litres (essential use) per person per day and there must be sufficient storage capacity to supply 4 people for up to 30 days i.e. a capacity of 30,000 litres.

For the full information on water demand provisions please check the Infrastructure chapter of the Operative Kapiti Coast District Plan.

The Infrastructure chapter of the District Plan also requires all permitted activities in all zones to be hydraulically neutral. This means a nil increase in the peak stormwater runoff discharged from new subdivision, new buildings or new land use activities undertaken on the property. For more information and to ensure that your proposal complies with these provisions, please refer to Council's Subdivision and Development Principles and Requirements, 2012

## **14 Building consent fees and charges**

### **14.1 Fees and charges**

The Council's fee structure for building consent applications reflect the time taken to approve applications plus the cost of carrying out the required (estimated) number of inspections during construction.

Additionally Building Research Association of NZ (BRANZ) levies and the Ministry of Business, Innovation and Employment (MBIE) levies are prescribed by legislation and are calculated on the value of the proposed building work.

The Building Regulations state that the value of the building work shall be the total of all goods and services to be supplied for the project. In all cases the value should reflect the market value and include site works, plumbing and drainage, all materials and labour, including recycled materials and "*do it yourself*" labour.

The Council reserves the right to amend values if it believes the value stated is inconsistent with values submitted for similar work by other applicants.

A refundable infrastructure deposit is required to be paid to the council prior to your building project to ensure that all damage to council assets in the road reserve are repaired satisfactorily. The deposit is increased if a vehicle crossing has to be constructed.

A schedule of fees and charges is available from the Council service centres in Paraparaumu, Waikanae or Ōtaki and can be downloaded from our website, [www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/](http://www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/Building-Consent-Fees/)

### **14.2 How can I pay for my building consent**

Payments for building consents can be made by cash or EFTPOS at any of the Council Service Centres in Paraparaumu, Waikanae or Ōtaki.

You can also pay online selecting 'Kapiti Coast District Council' as the creditor or enter our account number 03-0732-0306101-00. Please ensure you provide reference details such as the address of the building in regards to the building consent you are applying for, and/or building consent number if you have been issued one. Providing reference details enables us to identify your payment.

There is also a payment module for payments to be made with online applications via Simpli.

All applications are required to be accompanied by the appropriate fee.

### **14.3 Additional charges**

The Council will make additional charges for its actual costs where these are more than the estimated fees charged. These charges will be based on actual time spent on the application and other costs, including additional inspections and administration. These additional charges will require payment prior to the uplifting of the consent or the issue of any Code Compliance Certificate.

#### **14.4 Refunds**

Refunds will be made, in certain cases, where Council costs have been overestimated or costs have been less than the fee charged.

On completion, the infrastructure deposit will be refunded less an inspection fee, provided that any damage to council assets has been repaired satisfactorily and a constructed vehicle crossing meets council's specifications. The deposit is released by the Access and Transport Team.

Once you have obtained your building consent you need to be aware of the next step in the process which will include arranging for inspections and any other statutory obligations which may impact on your building project.

To assist you in this, your building consent “plan package” will include another document titled “A Guide to the Inspection Process”. Please take time to read this document.